

SHERMAN 15.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88  
ECF Case

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This document relates to the following case:

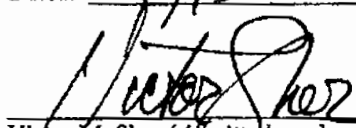
*City of New York v. Amerada Hess Corp., et al.*  
Case No. 04 Civ. 3417

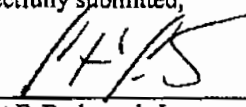
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**STIPULATION AND ORDER DISMISSING ALL CLAIMS AGAINST  
GIANT DEFENDANTS**

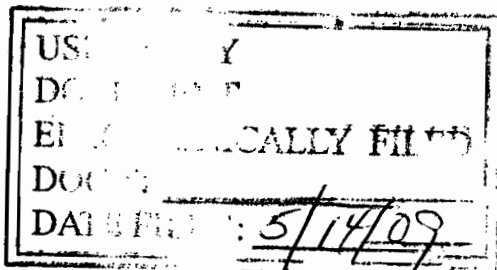
Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Plaintiff City of New York and Defendants Giant Industries, Inc., Western Refining, Inc., Western Refining Yorktown, Inc., formerly known as Giant Yorktown, Inc., Western Refining Company, L.P., and Western Refining Southwest, Inc., formerly known as Giant Industries Arizona, Inc. and formerly doing business as Giant Refining Company (collectively, "Giant") hereby request that the Court enter this voluntary dismissal with prejudice of all claims against Giant as set forth in the Plaintiff's Fourth Amended Complaint, filed on March 9, 2007. The parties agree to the dismissal and further agree that such dismissal is with prejudice, with each party bearing its own attorneys' fees and costs. Plaintiff reserves all other rights as against all other defendants.

Dated: 5/13, 2009

Respectfully submitted,

  
Victor M. Sher (*Admitted pro hac vice*)  
Todd E. Robins (*Admitted pro hac vice*)  
Joshua G. Stein (*Admitted pro hac vice*)  
Nicholas G. Campins (*Admitted pro hac vice*)

  
Robert F. Redmond, Jr.  
Clement D. Carter  
Gray B. Broughton  
WILLIAMS MULLEN



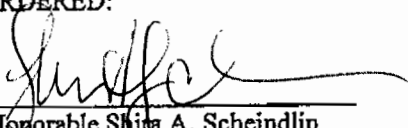
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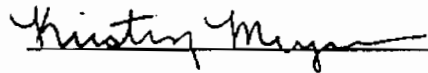
SO ORDERED:

  
The Honorable Shira A. Scheindlin  
United States District Judge

Dated: May 14, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of **Stipulation and Order Dismissing All Claims Against Giant Defendants** was served on Liaison Counsel via Electronic Mail, and on all counsel of record by posting it directly to LexisNexis File & Serve on the 13th day of May, 2009.

A handwritten signature in cursive script, appearing to read "Kristin Meyers", written over a horizontal line.

KRISTIN MEYERS